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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,109

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EXAMINER

CHIO, TAT CHI

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

09/05/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,109	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> TAT CHI CHIO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/23/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa (US 2004/0240863 A1) in view of Onishi (US 2001/0002846 A1) and Kikuchi et al. (US 6,553,180 B1).

**Consider claim 1**, Nishizawa teaches a playback apparatus for playing a digital stream in conjunction with an application executing in the playback apparatus, comprising: a package manager operable to generate package information by merging a first file recorded on a first recording medium and a second file recorded on a second recording medium, in accordance with merge management information recorded on the second recording medium, the merge management information indicating the second file on the second recording medium for merging with the first file on the first recording medium ([0058], [0059], [0063], [0066], and [0067]); but Nishizawa does not explicitly teach that the merge management information recorded on the second recording medium.

Onishi teaches that the merge management information recorded on the second recording medium ([0089], [0094], [0169], and [0179]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to facilitate

merge of information based on the merging information from another recording to accomplish the task without error.

Onishi further teaches an application executor operable to execute an application associated with the current title, the application operable to request the package manager to generate new package information using new merge management information, the new merge management information referencing a third file on the second recording medium for merging with the first file on the first recording medium ([0089], [0094], [0169], and [0179]), and the package manager sets the third file to read-only when the application requests generation of the new package information ([0099]).

However, Nishizawa and Onishi do not explicitly teach a selector operable to detect a plurality of titles from the package information and to select one of the detected titles as a current title; and a playback controller operable to control playback of the digital stream associated with the current title, and the package manager generates the new package information when the digital stream playback stops due to a change of the current title.

Kikuchi et al. teach a selector operable to detect a plurality of titles from the package information and to select one of the detected titles as a current title (Fig. 42, Fig. 43); and a playback controller operable to control playback of the digital stream associated with the current title (Fig. 42 and Fig. 43), and the package manager generates the new package information when the digital stream playback stops due to a change of the current title (Fig. 28-Fig. 32). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to incorporate a selector to allow the user to select one of the detected titles as a current title.

**Consider claim 3**, Onishi further teaches the playback apparatus, wherein the third file on the second recording medium indicated by the new merge management information is set to read-only for a period during which the new package information is valid ([0099]).

**Consider claim 4**, Nishizawa teaches the playback apparatus, wherein the package manager verifies a validity of the new merge management information ([0073] and [0074]).

**Consider claim 7**, Nishizawa teaches the playback apparatus, wherein the package manager creates the package information from only the first recording medium when the merge management information does not exist in the second recording medium ([0063], [0066], and [0067]).

**Consider claim 8**, Nishizawas teaches the playback apparatus, wherein the second recording medium includes a plurality of disc dependent areas, and the package manager identifies a disc dependent area corresponding to the first recording medium, and replaces the merge management information with the new merge management information specified by the application to the identified disc dependent area (Fig. 10A-10E, Fig. 16A-16B, Fig. 18A-18B, Fig. 22A-22B, and Fig. 24).

**Consider claim 9**, Kikuchi et al. further teach the playback apparatus, wherein the package information includes a plurality of digital streams (Fig. 41) and playlist information showing a playback order of the digital streams (Fig. 28-Fig.32), digital

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stream playback is performed according to the playback order shown by the playlist information (Fig. 70), and the selector changes the current title based on the playlist information and execution of the application in conjunction with an end of the digital stream, by choosing a different one of the detected titles as the current title (Fig. 42 and Fig. 43).

**Consider claim 10**, Kikuchi et al. teach the playback apparatus, wherein the selector changes the current title in response to a user executed operation calling a menu processing title, by choosing the menu processing title as the current title (Fig. 42, Fig. 43, Fig. 69, and Fig. 70).

**Consider claim 11**, Kikuchi et al. teach the playback apparatus, further comprising a status register storing a parameter relating to digital stream playback, and a backup register (col. 62, lines 33-38), wherein the parameter stored in the status register is saved to the backup register when the selector changes the current title, and the backup register is initialized when the package information is updated (Fig. 40).

### ***Allowable Subject Matter***

3. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-

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9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621